

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

**SERGEANT MAJOR DANIEL R.
AUXIER and MARCOS E. MONTEIRO,**
Plaintiffs,

v.

**SECURITIES & EXCHANGE
COMMISSION, et al.,**
Defendants.

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MO:24-CV-00318-DC-RCG

ORDER FOR PLAINTIFF TO SHOW CAUSE

The Court records indicate that more than 90 days have passed since the filing of Plaintiffs Daniel R. Auxier and Marcos E. Monteiro’s (“Plaintiffs”) Complaint against Defendants Securities & Exchange Commission; Financial Industry Regulatory Authority, Inc.; Depository Trust & Clearing Corporation; Charles Schwab & Co. Inc.; GTS Securities LLC; Equiniti Trust Company; Next Bridge Hydrocarbons, Inc.; John Brda; and Gregory McCabe (collectively, “Defendants”). (Doc. 1). Plaintiffs’ Complaint was filed on December 6, 2024. *Id.* This case is before the undersigned through an Order pursuant to 28 U.S.C. § 636 and Appendix C of the Local Court Rules for the Assignment of Duties to United States Magistrate Judges. To date, Plaintiff have failed to provide proof of service on Defendants.

This Show Cause Order serves as notice to inform Plaintiffs that this action will be dismissed without prejudice as to any unserved Defendants unless Plaintiffs effect service on or before **Monday, August 25, 2025**, or show good cause for failing to timely serve Defendants, in accordance with Federal Rule of Civil Procedure 4(m). “Good cause” under Rule 4(m) requires “at least as much as would be required to show excusable neglect, as to which simple inadvertence or mistake of counsel or ignorance of the rules usually does not suffice.” *Lambert v.*

United States, 44 F.3d 296, 299 (5th Cir. 1995). If dismissal of the case as to the unserved Defendants is satisfactory to Plaintiffs, no action is required.

IT IS HEREBY ORDERED that Plaintiffs **serve Defendants on or before August 25, 2025, or explain why good cause exists for Plaintiffs' failure to serve Defendants within 90 days after the Complaint was filed**, as required by Federal Rule of Civil Procedure 4(m). Failure to do so may result in dismissal of this case without prejudice.

It is so **ORDERED**.

SIGNED this 24th day of July, 2025.

A handwritten signature in black ink, appearing to read 'Ron Griffin', is written over a horizontal line.

RONALD C. GRIFFIN
UNITED STATES MAGISTRATE JUDGE